

..Title

Amending the Zoning Code as recommended in Phase 1 of the 1-4 Unit Housing Study

..Body

STATEMENT OF FINDINGS BY THE CITY COUNCIL

WHEREAS, the Saint Paul Zoning Code, found in chapters 60 through 69 of the Saint Paul Legislative Code, is established to promote and to protect the public health, safety, morals, aesthetics, economic viability and general welfare of the community; and

WHEREAS, Section 61.801(a) of the Zoning Code calls for periodic review of said code to reflect current city policies, to address current technology and market conditions, and to bring the zoning code up-to-date; and

WHEREAS, in order to support the creation and preservation of housing that is affordable to all income levels, address racial, social, and economic disparities, and create infrastructure to stabilize housing for all in Saint Paul, City Council Resolution 18-1204 calls for a study of the Zoning Code to explore the potential for allowing three- and four-unit dwellings in currently single-family zoning districts located in Neighborhood Nodes and/or along transit corridors; and

WHEREAS, on April 2, 2021, the Planning Commission passed Resolution 21-20 that initiated a zoning study to consider amendments to the Zoning Code pertaining one-family, two-family, and townhouse residential zoning districts and accessory dwelling units, and other related regulations contained in the Zoning Code; and

WHEREAS, Metropolitan Council forecasts the city's population growing by 12,700 households by 2040, 22.5% of renter households are cost-burdened by paying more than 30% of monthly income for housing, and an additional 25% of renter households are considered severely cost-burdened by paying more than 50% of monthly income to housing; and

WHEREAS, the 2040 Comprehensive Plan, in Housing policies H-48 and H-49, directs City staff to "expand permitted housing types in Urban Neighborhoods to include duplexes, triplexes, town homes, small- scale multi-family...to allow for neighborhood-scale density increases, broadened housing choices and intergenerational living" and to "consider amendments to the zoning code to permit smaller single- family houses and duplexes to facilitate the creation of small-home development types, such as pocket neighborhoods and cottage communities"; and

WHEREAS, on November 12, 2021, following a duly noticed public hearing that was held on October 15, 2021, the Saint Paul Planning Commission recommended the amendments to the Zoning Code pertaining one-family, two-family, and townhouse residential zoning districts and accessory dwelling units, and other related regulations contained in the Zoning Code as proposed in Phase 1 of the 1-4 Unit Infill Housing Zoning Study;

WHEREAS, following a duly noticed public hearing held before the City Council on December 15, 2021 where all interested parties were afforded the opportunity to be heard, the Council considered all the facts, recommendations, and testimony regarding the proposed zoning amendments, pursuant to the authority granted by and in accordance with the procedures set forth in Minnesota Statutes § 462.357;

THE COUNCIL OF THE CITY OF SAINT PAUL DOES ORDAIN

SECTION 1

Legislative Code Chapter 63. Article V. – 63.500. Accessory Buildings, is hereby amended as follows:

Sec. 63.501. – Accessory buildings and uses.

Accessory buildings, except as otherwise provided in this code, shall be subject to the following regulations:

- (a) When ~~an the~~ accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this code applicable to main buildings. Accessory buildings shall be located at least six (6) feet from any principal building or shall be considered attached for setback and lot coverage purposes.
- (b) Accessory buildings, ~~structures or uses~~ shall not be erected in or established in a required yard except a rear yard. ...
- (c) On corner lots, accessory buildings, ~~structures or uses~~ shall be set back from the side street lot line a distance equal to that required of ~~the principal buildings structure~~. On through lots where frontage is clearly established on the block, rear yard setbacks for accessory buildings shall be equal to the side yard required of principal buildings.

Accessory buildings shall be set back a minimum of one (1) foot from any alley right-of-way.

When an accessory building, ~~structure or use~~ is constructed in a nonrequired front yard or rear yard ~~which that~~ adjoins a side yard or front yard, the accessory building, ~~structure or use~~ shall be set back from the interior lot line a distance equal to the minimum side yard required of ~~the principal buildings structure~~.

...

- (d) ...

A recorded common wall agreement is permitted in lieu of a maintenance easement if the accessory building structure is attached to an accessory building structure on an adjoining lot.

- (e) In RL-RM2 residential districts, accessory buildings on a zoning lot with residential use shall not exceed fifteen (15) feet in height; provided, however, that accessory buildings with a flat or shed roof style shall not exceed twelve (12) feet in height, and that the

height of an accessory building containing a dwelling unit shall not exceed ~~of~~ twenty-five (25) feet or the height of the principal structure, whichever is less.

...

- (f) ~~Accessory buildings on a zoning lot may occupy up to thirty-five (35) percent of the rear yard. Rear yards which adjoin alleys may include half the area of the alley to calculate the area of the rear yard which may be occupied by accessory buildings.~~

~~On zoning lots containing one- and two-family dwellings, there shall be a maximum of three (3) accessory buildings, the total of which shall not occupy more than one thousand (1000) square feet of the zoning lot. On zoning lots containing all other uses, accessory buildings may occupy the same percent of the zoning lot as main buildings are allowed to occupy in the zoning district.~~

Accessory buildings on zoning lots containing one- and two-family dwellings are subject to the following standards:

- (1) There shall be a maximum of three (3) accessory buildings, the total of which may occupy a maximum of twelve hundred (1200) square feet of the lot.
- (2) Accessory buildings may occupy a maximum of thirty-five (35) percent of the rear yard. Where the rear yard adjoins an alley, half the area of the adjoining alley may be included in calculating the area of the rear yard that may be occupied by accessory buildings.
- (g) ~~In those instances where a lot line adjoins an alley right-of-way, the accessory building shall not be closer than one foot to such lot line.~~
- (h) ~~On through lots, where frontage is clearly established within a given block, rear yard setbacks shall be equal to the side yard required of the principal structure.~~
- (i) ~~Accessory buildings shall be located at least six (6) feet from the principal structure or shall be considered attached for purposes of the zoning code.~~

SECTION 2

Legislative Code Chapter 65. Land Use Definitions and Development Standards, is hereby amended as follows:

ARTICLE II. 65.100. RESIDENTIAL USES

Sec. 65.121. – Dwelling, carriage house

An access~~ary~~ dwelling in a combined residential and garage building, separate from the main building on the lot, located above and/or adjacent to the garage.

Development standards:

(a) A carriage house building may be regulated as an accessory building or as an additional principal residential building.

Standards and conditions in residential districts:

~~(b)(a)~~ The building planned for use as a carriage house dwelling had space originally built to house domestic employees.

~~(c)(b)~~ The applicant shall obtain a petition signed by two-thirds ($\frac{2}{3}$) of the property owners within one hundred (100) feet of the applicant's property line consenting to the carriage house dwelling.

~~(d)(e)~~ The applicant shall not reduce the number of existing off-street parking spaces on the property and shall also provide additional off-street parking as required for the carriage house dwelling.

~~(e)(d)~~ A site plan and a building plan shall be submitted to the planning commission at the time of application. ~~Carriage house dwellings are exceptions to one (1) main building per zoning lot requirements.~~

Sec. 65.161. – Sober house

...

Standards and conditions:

...

(e) A building Property containing one (1) or more sober house units shall be a minimum distance of three hundred thirty (330) feet from any other building property containing a sober house.

ARTICLE VII. 65.900. ACCESSORY USES

Sec. 65.913. – Dwelling unit, accessory.

A secondary dwelling unit, subordinate to a principal one-family dwelling, within or attached to a one-family dwelling or in a detached accessory building on the same zoning lot, ~~with the property owner of record occupying either the principal dwelling unit or the accessory dwelling unit as their permanent and principal residence.~~

Standards and conditions:

~~(a) Minimum lot size. For accessory dwelling units located in an accessory structure, the lot shall be at least five thousand (5,000) square feet in area.~~

~~(a)(b)~~ *Number of accessory units.* There shall be no more than one (1) accessory dwelling unit on a zoning lot.

~~(b)(c)~~ Compliance with other city, local, regional, state and federal regulations. Pursuant to section 60.109 of the Zoning Code, all accessory dwelling units must comply with city, local, regional, state and federal regulations.

~~(c)(d)~~ *Unit occupancy.* The total occupancy of the principal dwelling unit and accessory dwelling unit shall not exceed the definition of Household in section 60.209.

- ~~(1) The total occupancy of the principal dwelling unit and accessory dwelling unit shall not exceed the definition of household in section 60.209.~~
- ~~(2) Using the form provided by the city, the property owner shall execute a declaration of land use restrictive covenants and owner's warranties creating certain covenants running with the land for the purpose of enforcing the definitional requirement of owner occupancy and standards and conditions of this subsection and file the same with the county recorder. The property owner must deliver an executed original of the declaration, which shall display its date and document number of record, to the zoning administrator before any city building or zoning permits required for the accessory dwelling unit can be issued.~~
- ~~(3) The property owner shall file an annual affidavit with the zoning administrator verifying continued owner occupancy of the property as their permanent and principal residence, and identifying the owner-occupied dwelling unit. A fee shall be collected in accordance with section 61.302.~~
- ~~(4) At the request of the property owner and upon inspection finding the accessory dwelling unit has been removed, the zoning administrator shall record a release of any previously recorded covenant for that accessory dwelling unit. Any and all filing costs shall be the responsibility of the property owner.~~

~~(d)(e) *Unit size.* The floor area of the accessory unit shall not exceed 75% of the floor area of the principal dwelling unit be a maximum of eight hundred (800) square feet. If the accessory unit is within located interior to the principal building structure, the principal building structure shall have a minimum floor area of one thousand (1,000) square feet and the accessory unit shall not exceed one-third ($\frac{1}{3}$) of the total floor area of the structure. For multi-story principal buildings structures built prior to the enactment of this section, the maximum floor area of an accessory dwelling unit may be equal to that of the first floor, but shall be less than or equal to fifty (50) percent of the floor area of the building structure.~~

~~(e)(f) *Access and entrances.*~~

...

~~(g) *Parking.* Provided that the minimum parking requirement for the principal one-family dwelling on the lot is met, no additional parking is required.~~

~~(f)(h) *Ownership.* The accessory dwelling unit shall not be sold separately from the principal dwelling unit, and may not be a separate tax parcel.~~

SECTION 3

Legislative Code Chapter 66. Zoning District Uses, Density and Dimensional Standards, is amended as follows:

ARTICLE II. 66.200. RESIDENTIAL DISTRICTS.

Sec. 66.231. – Density and dimensional standards table.

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Zoning District	Floor Area Width (FAR)	Building Height Maximum	Yard Setbacks Minimum (feet)		
	Maximum (e)	Feet	Front	Side	Rear
RM1 multiple-family (a)	0.6 FAR with surface parking 1.0 FAR with structured parking	40 (i)	25 (f)	9 (h) (m)	25
RM2 multiple-family (a)	1.5 FAR with surface parking 2.25 FAR with structured parking	50 (j) (m)	25 (f)	9 (h) (k)	9 (k)
RM3 multiple-family	1.5 FAR with surface parking 3.5 FAR with structured parking	no maximum	25 (f)	9 (h) (k)	9 (k)

Notes to table 66.231, residential district dimensional standards:

...

(f) Where at least fifty (50) percent of the front footage of any block is built up with principal structures residential buildings and the front yard setbacks of existing buildings with front yards that adjoin the front yard of the lot are all greater or all less than the district standard setback requirement, the minimum front yard setback for new structures buildings shall be the same as the adjoining front yard setback that is closest to the district standard setback requirement, except where only one existing front yard adjoins the front yard of the lot the minimum front yard setback for new buildings shall be the midpoint between the district standard setback requirement and the adjoining front yard setback. The property owner is responsible for reporting the relevant adjacent existing front setback to the zoning administrator on a registered land survey. ~~average setback of the existing structures, or if the block average is more than the minimum required front setback listed in the dimensional standard table, it shall be the setback requirement in the district plus half the amount the average setback is greater than the setback requirement in the table. Existing structures set back twenty (20) percent more or less than the average shall be discounted from the formula.~~

...

(h) Side yards are required only for dwelling units on the ends of townhouse structures. ~~When two (2) or more one-family, two-family, or townhouse structures are constructed on a single parcel, there shall be a distance of at least twelve (12) feet between principal buildings. For one-family dwellings in RM1 and RM2 districts, the minimum side yard setback shall be four (4) feet.~~ For two-family and multifamily dwellings in RM1 and RM2 districts on lots of sixty (60) feet width or narrower, the minimum side yard setback is reduced to six (6) feet for buildings of thirty-five (35) feet height or less. The side yard setback requirement from interior lot lines may be reduced or waived when an easement or common wall agreement, certified by the city building official for conformance with the state building code, is recorded on the deeds of the adjoining parcels.

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Sec. ~~66.233.~~ — Minimum building width.

~~In residential districts, the building width on any side of one-family and two-family dwellings shall be at least twenty-two (22) feet, not including entryways or other appurtenances that do not run the full length of the building.~~

Sec. ~~66.233.~~ ~~66.234~~ - Sidewall articulation.

...

Sec. ~~66.241.~~ — Number of main (principal) buildings.

~~In RL—RT1 residential districts, there shall be no more than one (1) main (principal) residential building per zoning lot, except as specifically allowed as a conditional use in the district. RT2—RM3 residential districts allow multiple residential buildings on a zoning lot. A carriage house building in RT2—RM3 residential districts may be regulated as an additional principal residential building or as a carriage house dwelling.~~

Sec. ~~66.241.~~ ~~66.242~~ Multiple-family design standards.

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Sec. ~~66.242.~~ ~~66.243~~ Parking requirements in RM1-RM3 multiple-family residential districts.

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ARTICLE III. 66.300. TRADITIONAL NEIGHBORHOOD DISTRICTS.

Sec. 66.331. – Density and dimensional standards table.

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Notes to table 66.331, traditional neighborhood district dimensional standards:

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- (i) ~~Where at least fifty (50) percent of the front footage of any block is built up with principal structures residential buildings and the front yard setbacks of existing buildings with front yards that adjoin the front yard of the lot are all greater or all less than the district standard setback requirement, the minimum front yard setback for new structures buildings shall be the same as the adjoining front yard setback that is closest to the district standard setback requirement, except where only one existing front yard adjoins the front yard of the lot the minimum front yard setback for new buildings shall be the midpoint between the district standard setback requirement and the adjoining front yard setback. The property owner is responsible for reporting the relevant adjacent existing front setback to the zoning administrator on a registered land survey. average setback of the existing structures, or if the block average is more than the minimum required front setback listed in the dimensional standard table, it shall be the setback requirement in the district plus half the amount the average setback is greater than the setback requirement in the table. Existing structures set back twenty (20) percent more or less than the average shall be discounted from the formula. The~~

minimum front yard setback shall not exceed the maximum front yard setback requirement. Sixty (60) percent of the front facade must fall within the maximum setback. For local heritage preservation sites, the standard may be modified to comply with the preservation program and design review guidelines.

SECTION 4

Legislative Code Chapter 67. Article VII. – 66.700. SH Student Housing Neighborhood Impact Overlay District, is amended as follows:

Sec. 67.708. – Revocation of status as registered and established student dwellings

The department of safety and inspections may remove properties from the list of registered and established student dwellings under the following circumstances:

- (1) Suspension or revocation of fire certificate of occupancy;
- (2) Residence by more than ~~four (4)~~ six (6) students in any unit;
- (3) Residence by less than three (3) students for more than twenty-four (24) of the preceding thirty-six (36) months.

A revocation of student dwelling status may be appealed to the board of zoning appeals pursuant to Legislative Code § 61.701(a)—(c).

SECTION 5

This ordinance shall become effective thirty (30) days after its passage, approval and publication.